IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6033 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ILA MAHESHBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 6033 of 2002

MR TRILOK J PATEL for Petitioner No. 1

MS PJ DAVAWALA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 23/07/2004

ORAL JUDGEMENT

1. The present petitioner has preferred this petition under Article 227 of the Constitution of India mainly on the ground that despite the application dated 20.08.1999 preferred by the present petitioner, the

respondent - authority has not taken any decision for a passport till date.

2. Learned advocate for the petitioner submits that despite an application dated 20.08.1999, preferred by the present petitioner and despite the submission of relevant documents along with the memo of the application, the respondent authority has not performed its statutory function under the Passport Act and has not issued a passport. Several times, the petitioner visited personally or through some relative to the Regional Office. Nonetheless for one or other reasons, the respondent - authority has not issued a passport and has demanded certain documents, either original documents or supply copies of original documents. Nonetheless till today the respondent - authority has not issued a passport to the petitioner.

3. Learned advocate for the respondent submits that the petitioner has not preferred an application in time and some of the original documents were never produced and, therefore, initially it takes someone for issuance of a passport. Even as on today, certain documents have not been annexed with the memo of the petition. The respondent - authority has constantly communicated the petitioner for the relevant documents. Inspite of that the petitioner has not annexed with the memo of the petition. Nonetheless as the petitioner has preferred, the application, the respondent - authority shall take a final decision upon the application of the petitioner.

4. In view of the aforesaid arguments and counter arguments, as to supply of the documents and one of the document, I hereby direct the respondent - authority to take a final decision by a speaking order, after giving an opportunity of hearing to the present petitioner, either to grant or refuse the application of the present petitioner.

5. Prima facie, it appears that till today, a final decision has not been taken by the respondent authority, by passing an order either to grant or refuse a passport. The respondent authority ought to have taken a decision on the application of the petitioner of either grant of passport or refuse thereof.

6. In view of the aforesaid observations and directions, this application is allowed. Rule is made absolute to the aforesaid extent. No order as to costs.

[D. N. Patel,J.]

(vijay)